

Division of Water Rights (DWR) Fees Overview



State Water Resources Control Board
February 6, 2015

Presentation Outline

- Background on DWR Fees
 - Water Rights Fund
 - General Fund
 - Other: Tobacco Tax, Federal and Waste Discharge Permit Funds
- Overview of Sections
 - Staffing
 - Work

Background on the Water Rights Fees and Funding

- The budget act for each year identifies the funding source available to the State Water Boards in that year
- The water rights program historically has been supported by several funding sources and is not limited to support from the Water Rights Fund (WRF)
- The Water Code requires the State Water Board to adopt emergency regulations revising and establishing fees to be deposited in the Water Rights Fund in the State Treasury (Wat. Code § 1525 et seq.)

Background on the Water Rights Fees and Funding (cont.)

- The State Water Board must annually set a fee schedule that will generate revenues equal to the amounts appropriated by the Legislature for expenditure for support of water right program activities from the WRF taking into account reserves in the WRF

Background on the Water Rights Fees and Funding (cont.)

- The Division currently tracks its program costs by funding source
- Certain program activities are supported solely by particular funding sources; if that funding source is insufficient to support the activity and no additional resource are provided, work on the activity must cease

Background on the Water Rights Fees and Funding (cont.)

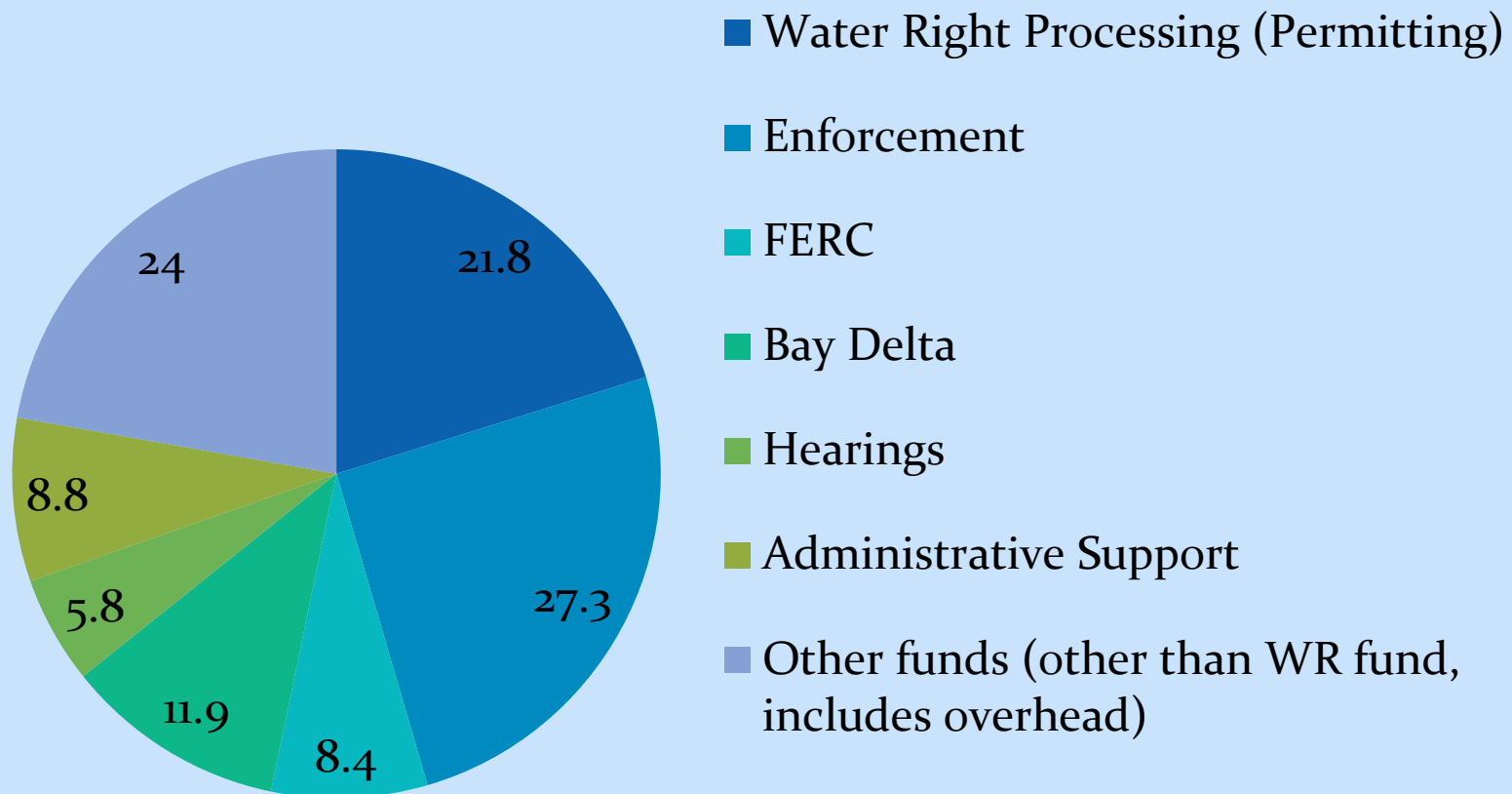
The Division currently uses five funds:

- **Water Right Fund (WRF)**
 - Supports administration and oversight of the water right permit and license systems
- **General Fund (GF)**
 - Supports activities related to Statements of Water Diversion and Use, Riparian and Pre-14 water rights
- **Tobacco Tax Fund (TBT)**
 - Supports activities that benefit fish or waterfowl

Background on the Water Rights Fees and Funding (cont.)

- **Federal Trust Fund (F)**
 - Supports activities related to the administration of water right services for Bureau projects for which annual fees are not paid; includes activities associated to projects up to the amount that would have been paid had a filing fee been paid
- **Waste Discharge Permit Fund (WDPF)**
 - Supports activities related to the water quality program activities, such as a portion of the water quality non FERC 401 certification administration and water quality control planning for the San Francisco/Sacramento –San Joaquin Delta Estuary for fish and wildlife protection

2013/2014 Division of Water Rights Expenditures (PYs)



Division Expenditures of PYs does not include other resources such as blanket and temporary help positions, OE, OCC, AG, EPA, BOE and Contracts

Overview of Sections

- Permitting and Licensing Section
- Enforcement Section
- Hearings and Special Projects Section
- Water Quality Certification and Public Trust Section
- Administrative, Reporting and Fee Section
- Office of Delta Watermaster

Permitting and Licensing Section

- Permitting & Licensing is comprised of 23 staff (4 units):
 - 1 Manager
 - 1 Technical Senior (non supervisory)
 - 4 Technical Seniors
 - 16 Technical Staff
 - 1 Seasonal Clerk
 - 1 Administrative Staff

Permitting and Licensing Section Program Areas

- Approve and confirm water rights: applications for permits and licensing
- Cancellation/revocation: applications, permits, registrations
- Compliance monitoring immediately after issuing new water rights
- Changes to existing rights: Temporary Urgency Change Petitions and wastewater change petitions

Permitting Backlog

- 385 pending applications
- Able to take action on about 26 permits in a typical year
- 14 year backlog of pending applications
- Use the Board's prioritization criteria to decide which projects to focus on
- Continue to receive new applications that add to our workload

Petition Backlog

- 499 pending petitions
- Target action on approximately 40 per year
- 12 year backlog

Enforcement Section

- Enforcement Section Comprised of 25 Staff (4 Units):
 - 1 Manager
 - 4 Technical Seniors
 - 1 Nonsupervisory Senior
 - 18 Technical Staff
 - 1 Administrative Staff
 - 5 Enforcement staff in Water Quality Certification and Public Trust Section

Enforcement Section (cont.)

- Enforcement, Compliance and Monitoring
 - Compliance oversight of existing water right permits and licenses to confirm compliance with terms and conditions
 - Watershed investigations
 - Complaint investigations related to unauthorized diversions and violations of terms and conditions of permits and licenses
 - Preparation and prosecution of appropriate enforcement actions
 - Work with Delta Watermaster to investigate diversions within the Legal Delta and watershed areas contributing to the Delta, includes Terms 91 and 93

Enforcement Section (cont.)

- Unreasonable Use Enforcement
 - investigations and prosecution of waste and unreasonable use, including impacts to public trust resources, and prosecution to correct unreasonable use
 - all types of water rights
- Public Trust
 - protection of public trust resources; investigation and assessment of impacts to public trust resources
 - Instream flow development and implementation work (Phase 4, Bay-Delta Effort – Public Trust Unit)

Hearings and Special Programs Section

- Includes Bay-Delta, Hearings, and Special Projects
- Comprised of 26 Staff (4 Units):
 - 1 Manager
 - 3 Technical Supervisory Seniors
 - 5 Technical Nonsupervisory Seniors
 - 16 Technical Staff
 - 1 Administrative Staff

Hearings and Special Projects Unit

- Conducts hearings on contested or other significant water right matters and develops decisions based on those hearings
 - Water right hearing issues: contested applications, petitions to change, extensions of time, enforcement, complaints, State filings, statutory adjudications, petitions for reconsideration and other issues at the Board's discretion
- Special Projects
 - Drought issues, investigations directed by Board or requested by other agencies

Bay-Delta Unit

- Develops and reviews plans and policies to protect Bay-Delta beneficial uses of water (Bay-Delta Plan, Strategic Workplan, others)
 - Phase 1: San Joaquin River flows, southern Delta salinity
 - Phase 2: Delta outflows, Sacramento River flows, operations

Bay-Delta Unit (cont.)

- Implementation of the Bay-Delta Water Quality Control Plan through water right requirements
 - Compliance with D-1641, Order 90-5, other requirements
 - Phase 3: water rights implementation for Phases 1 and 2
- Other Work: Bay Delta Conservation Plan, participation in development and review of Delta science, review of environmental documents, coordination and outreach

Water Quality Certification (WQC) & Public Trust (PT) Section

- Comprised of 20 Staff (3 Units):
 - 1 Manager
 - 3 Technical Seniors
 - 14 Technical Staff (5 funded by enforcement funds)
 - 1 Administrative Staff

Water Quality Certification Program

- Develop certifications for:
 - Federal Energy Regulatory Commission hydropower projects
 - Projects that involve or associated with an appropriation of water
- Ensure compliance with certifications:
 - Review and approval of plans
 - Participate in post-licensing process (e.g., ecological resource committee meetings)
- Processed variances (in 2014 for drought)

Administrative, Reporting, and Fee Section

- Comprised of 25 Staff (3 Units):
 - 2 Managers
 - 13 Administrative Staff
 - 10 Seasonal Clerks

Admin, Reporting and Fee Section

- Maintains water rights documentation
- Handles public inquires
- Coordinates fee records and billings with DAS and BOE
- Maintains data records in the electronic Water Rights Information Management System (eWRIMS)

Admin, Reporting and Fee Section (cont.)

- Provides support to on-line filers
- Reviews statements of diversion and use
- Maintains Reports Management System
- Provides fiscal, HR, contract management, procurement and clerical support

Office of Delta Watermaster

- Comprised of 4 staff:
 - 1 Delta Watermaster
 - 2 Technical Staff
 - 1 Communications Specialist

Office of Delta Watermaster

Statutory and Delegated Duties

- Created by legislature as part of the 2009 Delta Reforms
- Reports jointly to SWRCB and DSC
- Responsible for monitoring and enforcement of water rights in the Delta
 - Coordinate with and support Division in order to assure consistent administration
 - Gather, substantiate, report and maintain data on in-Delta diversions, consumptive use and quality
 - Investigate and, when warranted, commence enforcement actions

Office of Delta Watermaster Objectives and Initiatives

- Seek, organize, and convey input from Delta stakeholders
- Assist SWRCB and DSC in developing and implementing strategies to achieve coequal goals
- Provide reports and action plans upon request of Board or Council
- Assist Council with coordination of Delta implementation among relevant state and federal agencies

Office of Delta Watermaster Objectives and Initiatives (cont.)

- Field inspections to identify diversion facilities and correlate with triennial Statements and with data supporting claimed water rights
- Multi-agency program to reduce cost and improve quality and timeliness of consumptive use measurement using satellite imagery

Office of Delta Watermaster Objectives and Initiatives (cont.)

- Frame unsettled legal issues for resolution by Board and/or courts while observing due process
- Drought response consistent with Statewide emergency
- Outreach and communication



Questions?